

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

DENNIS G. LOHMAN, individually, )  
and AS BENEFICIARY OF THE ESTATE )  
OF ANNE P. LOHMAN, deceased, )  
  )  
  )  
Plaintiff, )  
  )  
  )  
v. )  No. 3:05-CV-199  
  (VARLAN/SHIRLEY)  
ALLMERICA FINANCIAL LIFE, )  
INSURANCE AND ANNUITY COMPANY, )  
and JJB HILLIARD, WL LYONS, INC. )  
  )  
  )  
Defendants. )

**MEMORANDUM AND OPINION**

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by the Order [Doc. 40] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the following motions: Defendant Allmerica's Motion for Judicial Notice [Doc. 25] and Second Motion for Judicial Notice [Doc. 38].

Defendant Allmerica's Motion for Judicial Notice [Doc. 25], filed on September 27, 2006, and Second Motion for Judicial Notice [Doc. 38], filed on November 21, 2006, moves the Court to take judicial notice of documents filed in the Chancery Court for Knox County, attached as exhibits to the aforementioned motions. Plaintiff filed no objection in response to Defendant's motions.

Federal Rule of Evidence 201(d) requires a court to take judicial notice if a party requests such notice and provides the Court with the necessary information. Rule 201(b) provides:

“A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” The Sixth Circuit has held that “[f]ederal courts may take judicial notice of proceedings in other courts of record.” *Lyons v. Stovall*, 188 F.3d 327, 333 n.3 (6th Cir. 1999). As such, a court may take judicial notice of the procedural aspects of pleadings that are relevant to the current matter, including issues such as the statute of limitations. *Lee v. Dell Products*, 236 F.R.D. 358, 361 (M.D. Tenn. 2006). Accordingly, Defendant Allmerica’s Motion for Judicial Notice **[Doc. 25]** and Second Motion for Judicial Notice **[Doc. 38]** are **GRANTED** to the extent that said judicial notice pertains to procedural aspects.

**IT IS SO ORDERED.**

**ENTER:**

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge